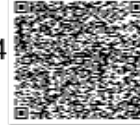




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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.113

TA-902-2025

Date of Decision: 12.03.2026

ROOHI BABBAR

....Applicant

Versus

SURESH BABBAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Applicant-in-person, along with
Mr. D.K. Prajapati, Advocate.

Respondent-in-person, along with
Mr. Vivek K. Thakur, Advocate.

ARCHANA PURI, J. (Oral)

In consonance with the order dated 26.02.2026, the parties have made appearance in person. An effort was made for amicable settlement between the parties, but however, after having some interaction with both the parties, it is evident that there cannot be any amicable settlement of either living together or separation.

In the given circumstances, there is no other option, but to decide the present application, on merits.

The applicant-wife has filed the present application for seeking transfer of the petition dated 25.01.2022 registered as GW-19-2022, titled



'Roohi Babbar Vs. Suresh Babbar', filed at her instance, pending in the Family Court, Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar, Mohali.

In pursuance of notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the applicant that marriage between the parties to the lis had taken place on 21.04.2014. One son born from the said wedlock, who is about 11 years old at present, is in the care and custody of the respondent. Unfortunately, matrimonial dispute arose between the parties, as a result whereof, both the parties are entangled in various litigation. It is further submitted by counsel for the applicant that even though, the applicant is a post-graduate and has also done B.Ed., but however, she is not having any source of earning. She had also filed petition under Section 125 Cr.P.C., which is pending in the Courts at SAS Nagar and the respondent is making appearance in the same.

Besides the same, counsel submits that applicant had also filed petition under Section 12 of the Protection of Women from Domestic Violence Act, which is pending in the Courts at Jalandhar. Even, the respondent is facing trial in the Courts at Jalandhar, relating to FIR bearing No.29 dated 15.03.2021, under Sections 406, 498-A IPC, got lodged by the applicant at Women Police Station, Jalandhar. The applicant had also filed CRM-M-35066-2025 and CRM-M-35074-2025, for seeking transfer of the petition under the Protection of Women from Domestic Violence Act, as well



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as the criminal trial, to the Court of competent jurisdiction at SAS Nagar, Mohali. The distance between the two places is stated to be about 142 Kms.

Besides the aforesaid, further counsel for the applicant submits that in the guardianship petition, visitation rights have been granted to the applicant, by the Court and twice a week, she proceeds to Jalandhar to meet the child, who is 11 years old. In the given circumstances, when she is not having any source of earning and there is no one to accompany her, as her parents are aged, she is finding it difficult to have interaction with the child, as per the visitation rights granted to her. Counsel for the applicant also submits that earlier the respondent had filed divorce petition in Jalandhar and relating to the same, the applicant had filed TA-222-2022 and the same was allowed vide order dated 20.09.2022, copy whereof is Annexure P-2. However, after passing of the order, the said divorce petition had since been withdrawn by the respondent.

On the other hand, counsel for the respondent, while making reference to the reply, submits that the minor child is with the respondent and he is taking care of the child, for the last six years, since the parties are residing separate. Also, it is submitted that applicant herself had filed petition under the Guardian and Wards Act, at Jalandhar. Even, the petition under Protection of Women from Domestic Violence Act is pending in the Courts at Jalandhar. Moreover, the respondent is facing criminal trial in the Courts at Jalandhar. Keeping in view the same, it is in interest of both the parties that if the litigation under Guardian and Wards Act, also remains



pending at Jalandhar, more particularly, when the applicant is already making compliance of the visitation rights granted by the concerned Court.

Further also, counsel for the respondent has given an offer for seeking separation and to secure the life of the applicant financially, but however, the applicant had not agreed for the said offer.

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, relating to the matrimonial dispute, various factors ought to be taken into consideration. Here, the most weighing and relevant factor is about the child, born from this broken marriage, who is 11 years old. The said male child is in the custody of the respondent, for the last six years, since his parents are residing separate. When there is a child born from the estranged marriage, it is essential to take note of, as to which spouse is having the custody of the child and also about the capacity of the said spouse to raise the child. However, the same is not a thumb rule. Various other factors also ought to be taken into consideration.

In the case in hand, the applicant is not having any source of earning, though, she is an educated woman. As noted aforesaid, the applicant is also availing visitation rights and for this reason, she goes to Jalandhar from SAS Nagar, twice a week, to meet her child. Relating to the same, there is no dispute between the parties, about the visits so made by the applicant. Definitely, it is an arduous journey for the mother to have interaction with the child, in such a manner, more particularly, considering



the distance between the two places and also about her not having any independent source of earning.

So far as, other litigation is concerned, as submitted by counsel for the applicant, already, applications for seeking transfer of the criminal trial as well as petition under Protection of Women from Domestic Violence Act, have been filed by the applicant, which are pending before the Coordinate Bench dealing with the transfer petitions of criminal cases. Even, petition under Section 125 Cr.P.C. is pending at SAS Nagar, Mohali and the respondent has joined the proceedings, in the same. So far as, child is concerned, he is not of such an age, which calls for presence of either parent all the time, to take care of him.

Considering the aforesaid fact situation, this Court deems it appropriate, to accept the application. Hence, the transfer application is allowed and the petition dated 25.01.2022 registered as GW-19-2022, titled '*Roohi Babbar Vs. Suresh Babbar*', filed by the applicant-wife, stands transferred from the Family Court Jalandhar, to the Court of competent jurisdiction at SAS Nagar, Mohali. The requisite record of the aforesaid case be sent by the Family Court, Jalandhar to District and Sessions Judge, SAS Nagar, Mohali.

Learned District and Sessions Judge, SAS Nagar, Mohali, shall assign the said petition to the Family Court, SAS Nagar, Mohali. Even, the parties are directed to appear before the Family Court, SAS Nagar, Mohali, within a period of one month from today onwards.



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But anyhow, watching the interest of the minor child and role of the father, while taking care of the child and to minimise the inconvenience, if any, caused to the respondent, while taking care of the child, the respondent always have an option to file an application to make appearance through virtual mode, as and when required. If any such application is filed, the Court concerned, shall consider the same, in the fitness of circumstances and pass an appropriate order.

12.03.2026

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : Yes/No